



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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July 11, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: In the Matter of Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; High-Cost Universal Service Support, WC Docket No. 05-337; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Federal-State Joint Board on Universal Service, CC Docket No. 96-45; Lifeline and Link-Up, WC Docket No. 03-109; Universal Service Reform – Mobility Fund, WT Docket No. 10-208.

Dear. Ms. Dortch:

On June 26, 2012, CenturyLink filed a Petition for Waiver¹ before the Federal Communications Commission (“Commission”) in which it is seeking authority to use Connect America Fund (“CAF”) Phase I funds to deploy broadband to areas that the National Broadband Map (“NBM”) shows to be served by certain Wireless Internet Service Providers (“WISPs”) but that CenturyLink’s own assessment shows not to be fully served. CenturyLink contends that, in some cases, portions of the WISP coverage areas shown on the NBM are questionable, and the communities that CenturyLink wishes to serve may receive little or no WISP service at all. In other cases, CenturyLink’s

¹CenturyLink Petition for Waiver, WC Docket No. 10-90 et al. (filed June 26, 2012).

contends that WISPs listed in its Petition have some service-related attributes that caused the Commission to exclude satellite broadband service areas from its determination of the areas designated as “unserved” for CAF Phase I purposes. Consequently, CenturyLink seeks a waiver that would permit it to spend CAF I funds on any community that, according to the NBM, is served by a WISP, and at least one of the following two conditions applies:

- the community lies within a state that has not independently verified WISP coverage areas shown in the NBM, and objective indicia demonstrate that the WISP could not plausibly serve the areas that the NBM shows it to cover; or
- the WISP, like satellite broadband providers, imposes unusually high retail prices (\$720 or more for the first year of service) or unusually stringent data caps (25 gigabytes per month or below).

The Washington Utilities and Transportation Commission (“UTC”) has reviewed CenturyLink’s limited Petition for Waiver and recommends that it be approved. The UTC appreciates the importance and value of the broadband service offerings of WISPs, but believes the rationale set forth in CenturyLink’s Petition warrants an exemption from the CAF I funding requirements for the areas identified in the Petition.²

The UTC understands that the NBM is still in its infancy and, for some providers, only reflects “unverified” broadband deployment information. To the extent some providers’ serving data may be inaccurate or not fully verified by the Commission or a state entity having authority over its element of the NBM, the UTC encourages the Commission to err on the side of encouraging additional broadband deployment to benefit consumers residing in areas of apparent partial or limited coverage. In this

² The UTC is mindful that WISPs undeniably perform a valuable role in offering broadband service to rural areas in Washington and the UTC’s support for the CenturyLink Petition herein is not intended to reflect a lack of appreciation or support for the important purpose and utility they bring to Washington’s consumers and economy. Because CenturyLink’s Petition reflects a narrowly crafted effort to identify only those areas where certain WISP coverage is ambiguous or may be inadvertently inflated, the UTC is supportive of CenturyLink’s Petition. Had CenturyLink attempted to exclude all WISP service areas for its proposed exemption from CAF I funding requirements, the UTC would not have made this filing.

regard, over the past year, the State Broadband Office of the Washington State Department of Commerce has been working to increase its verification efforts for WISP reported service areas. It has published a useful and objective report which shows the extent of its verification efforts for many Washington broadband service providers.³ However, despite this increased effort, the report also shows that verification of such information is not universal at this time.

CenturyLink's Petition provides documented analysis of the efficacy of serving areas identified by certain WISPs to the NBM. The Petition also includes documentation regarding the uncertainty of coverage in certain WISPs' service areas and capacity constraints in others. Absent a waiver, consumers in the areas served by these WISPs may not be able to receive broadband service at all or may receive broadband service that is of less than optimal service quality.

For these reasons, the UTC recommends approval of CenturyLink's limited Petition for Waiver of 47 C.F.R. § 54.312(b), which requires CAF I recipients to deploy broadband service to locations shown as unserved by fixed broadband on the then-current version of the NBM.

Respectfully submitted,



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³ See <http://wabroadbandmapping.org/MapValidation.aspx>.